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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,446	03/26/2001	Virginia C. Gordon	SAFTY-001BC	2044

33197 7590 03/17/2003

STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE, CA 92618

EXAMINER

TRAN, MY CHAU T

ART UNIT	PAPER NUMBER
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1639

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No. 09/817,446	Applicant(s) GORDON ET AL.	
	Examiner My-Chau T. Tran	Art Unit 1639	

All participants (applicant, applicant's representative, PTO personnel):

- (1) My-Chau T. Tran. (3) _____
 (2) Mr. Robert D. Buyan. (4) _____

Date of Interview: 13 March 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____.

Claim(s) discussed: Proposed New Claims 1-14 (Attached)

Identification of prior art discussed: Briefly discussed US Patent 4,948,564 (Root et al.).

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.


Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The new limitations such as "the limited air flow being sized to allow only a limited amount of air to be drawn into the housing" of the proposed claims 1 and "the pump is positioned within said housing" of claim 3 would overcome the cited prior and would required new search since these limitations were not previously presented.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


PADMASHRI PONNALURI
 PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

U.S. Patent Application No. 09/817,446

Title: Methods and Apparatus for Determining Analytes in Various Matrices

Proposed New Claims
(For Discussion Purposes Only)

1. An apparatus for non-electrophoretic determination of the presence of at least one analyte in at least one flowable sample, said apparatus comprising:
 - a housing having a cavity formed therein;
 - a plurality of filtrate-receiving vessels positioned within the cavity of the housing,
 - a membrane module positioned over the open ends of the filtrate-receiving vessels, said membrane module comprising a frame having a plurality of openings formed therein, said openings being aligned with the filtrate receiving wells and each of said openings having a membrane positioned transversely thereacross;
 - sample receiving wells positioned in relation to the membranes such that sample placed within a particular sample receiving well will filter through a membrane associated with that sample receiving well, and a filtrate which passes through that membrane will be received within a filtrate-receiving vessel associated with that membrane;
 - a cover for sealing each of said filtrate receiving vessels and said cavity of said housing, the cover having at least one sample port and a member structured to retain the at least one membrane module;
 - apparatus for creating negative pressure within the cavity of said housing so as to pull the filtrate through each membrane component; and,
 - a limited air inflow port associated with each sample receiving well, each limited air inflow port being sized to allow only a limited amount of air to be drawn into the housing when the sample well associated with that inlet port becomes empty, said limited amount of air being small enough in volume to allow the negative pressure within the cavity to remain sufficiently high to continue to draw sample through other membranes until all of the sample wells have become empty.

~ overcome roots

2. An apparatus according to Claim 1 further comprising a pump for creating the negative pressure.
3. An apparatus according to Claim 2 wherein the pump is positioned within said housing.
4. An apparatus according to Claim 1 wherein at least one of said membrane modules has portions formed of a first hard material, and portions formed of a second elastomeric material, the portions formed of said elastomeric material being at locations which abut against neighboring components of the apparatus to provide substantially air tight sealing therebetween.
5. An apparatus according to Claim 4 wherein said first and second materials are co-molded by shooting both said first and second materials into a single mold.
6. An apparatus according to Claim 1 wherein said membrane modules are plate type membrane modules which have having a plurality of discrete sample flow openings formed therein with membranes being disposed transversely within each such sample flow opening.
7. An apparatus according to Claim 1 further comprising at least one additional membrane module, said membrane modules being arranged such that their membranes are in alignment with one another so that the sample will pass through a plurality of membranes in series.
8. An apparatus according to Claim 7 wherein at least one of the membrane modules has engagement members whereby it may be selectively engaged to and disengaged from a neighboring membrane module.

9. An apparatus according to Claim 8 wherein said engagement members comprise latches for latching the membrane modules together.
10. An apparatus according to Claim 8 wherein said engagement members comprise projections and corresponding projection-receiving slots for bayonet-type connection.
11. An apparatus according to Claim 8 wherein said engagement members comprise helical threads for screw-type connection.
12. An apparatus according to Claim 8 wherein at least some of the plate-type membrane modules have orientation restricting registry surfaces formed thereon to deter stacking of the membrane modules in incorrect orientation.
13. An apparatus according to Claim 8 wherein at least some of the membrane modules have handles formed thereon to facilitate grasping and separation of the membrane modules.
14. An apparatus according to Claim 8 wherein at least two of the membrane modules are configured so as to nest within one another when stacked, thereby ensuring proper alignment of the membrane modules to allow sample to flow through the membranes in series.

Remarks:

New Claim 1 recites the elements of the device including a limited air inflow port associated with each sample receiving well. This limited air inflow port is described in detail in the application. It functions to maintain sufficient negative pressure within the housing to empty *all* of the sample wells. If the sample wells are simply allowed to remain open, large amounts of air are pulled through the open mouth of each sample well when it becomes empty, thereby offsetting the negative pressure within the housing and causing the draw-through on the remaining sample wells to cease. On the other hand, capping each sample well (without providing for

some air inflow) will substantially prevent the samples from being drawn through the membranes. Thus, these limited air inflow ports are necessary to ensure proper function of the apparatus.

The prior art does not disclose or render obvious the combination of elements recited in new independent Claim 1.